

ORDINANCE NO. C-49-90

DECLARING THE NECESSITY OF AND DETERMINING TO PROCEED WITH THE CONSTRUCTION OF A THIRTY-SIX FOOT WIDE STREET, WITH CURB, GUTTERS, STORM WATER DRAINAGE SYSTEM, SIGNAGE, TRAFFIC CONTROL, LANDSCAPING, AND RELATED FACILITIES, A DISTANCE OF APPROXIMATELY 725 FEET BETWEEN HOOVER ROAD AND HOME ROAD IN THE CITY OF GROVE CITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Grove City, Franklin County, Ohio, (the "City") that:

Section 1. It is hereby declared to be necessary to construct a thirty-six foot wide street, with curb, gutters, storm water drainage system, signage, traffic control, landscaping, and related facilities, a distance of approximately 725 feet between Hoover Road and Home Road in the City of Grove City as shown on the plans hereinafter referred to and prepared by E.M.H.&T., Inc., Consulting Engineers (the "Engineers").

Section 2. It is hereby determined and declared that the Project is conducive to the public health, convenience and welfare of the City and the inhabitants thereof. Council further finds and determines that the Project has been petitioned for by the owner of one hundred percent of the front footage of the property abutting upon the Project.

Section 3. The plans, specifications, estimates and profiles of the Project, heretofore prepared by the Engineers and now on file in the office of the Clerk of this Council (the "Plans"), are hereby approved.

Section 4. The grade of the street which comprises a part of the Project shall be the grade as shown by the Plans.

Section 5. The entire cost of the Project, but not to exceed one hundred thirty-five thousand dollars (\$135,000.00) shall be assessed in proportion to the benefits conferred by the Project, upon all lots and lands bounding and abutting upon the Project, which lots and lands are hereby determined to be specifically benefited thereby. The balance of the cost of the Project shall be paid by the City. The cost of the Project shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services including obtaining an approving legal opinion, cost of labor and materials and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

Section 6. The assessments to be levied shall be paid in 20 annual installments, with interest on deferred payments at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof; provided, that the owner of any property assessed may, at his option, pay such assessment

in cash within thirty days after passage of the assessing ordinance.

Section 7. Bonds of the City shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto, and, if so determined by Council, the amount of such Bonds shall also include the City's portion of the cost of the Project.

Section 8. It is hereby determined to proceed with the construction of the Project in accordance with the Plans.

Section 9. The estimated assessments heretofore prepared by the Engineers and filed in the office of the Clerk of this Council are hereby adopted.

Section 10. The Clerk of this Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within fifteen days after its passage.

Section 11. Subject to the provisions of Section 727.24 of the Ohio Revised Code, the City Administrator is hereby authorized and directed, as soon as the funds therefor are available, to make and execute a contract for the Project with the lowest and best bidder after advertising according to law, and the Project shall be financed as provided herein.

Section 12. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such actions were conducted in

full compliance with all legal requirements including Revised Code Section 121.22.

Section 13. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the City, and for the further reason that preliminary assessment proceedings must be completed at the earliest possible date so that the construction of the Project can be commenced during favorable weather conditions, and this ordinance, therefore, shall go into full force and effect immediately upon its passage.

Passed: May 21, 1990

Earl R. Nicholson
President of Council

Attest:

Jane W. Cook Clerk of Council Richard S. Stagg Mayor

Approved as to form:

R. E. Gundersen
Law Director

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